

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING SECTIONS 12-2-1, 12-2-2, 12-2-7, 12-2-12, 12-2-14, 12-2-16, 12-2-17, 12-2-18, 12-2-19, 12-2-20, 12-2-22, PARAGRAPH (b) OF SECTION 12-2-13, PARAGRAPHS (2) AND (15) OF SECTION 12-2-15, AND PARAGRAPH (b) OF SECTION 12-2-26 OF CHAPTER 12-2 OF TITLE 12 OF THE ROCHESTER CODE OF ORDINANCES RELATING TO SANITARY SEWAGE DISPOSAL.

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Section 12-2-1 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means the Federal Water Pollution Control Act as amended, 33 USC 1251 et seq.

*Ammonia nitrogen (NH<sub>3</sub>-N)* means the quantity of nitrogen present in wastewater in the form of ammonia as measured by procedures described in Standard Methods.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal, also called house connection or service connection.

*Carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>)* means the quantity of oxygen utilized after five days in the biochemical oxidation of organic matter present in wastewater as measured by procedures described in Standards Methods.

*City* means the City of Rochester, Minnesota or its governing body, the common council of the City of Rochester.

*Domestic or sanitary waste* means that waste which is primarily produced by residential users. The following concentrations of wastewater characteristics are established as domestic or sanitary waste and any concentration found to be greater is considered high-strength waste:

|                    |                     |
|--------------------|---------------------|
| CBOD <sub>5</sub>  | 250 <u>265</u> mg/L |
| TSS                | 250 <u>265</u> mg/L |
| TP                 | 7 <u>6</u> mg/L     |
| NH <sub>3</sub> -N | 28 <u>31</u> mg/L   |

*Easement* means an acquired legal right for the specific use of land owned by others.

*Fats, oil, and grease (FOG)* means fat, oil, or grease in a physical state such that it will separate by gravity from wastewater. Wastewater shall be considered free of fat, oil, or grease if it is properly pretreated, the wastewater does not interfere with the collection system, and is present in concentrations below 100 milligrams per liter as found in reference to Standard Methods for the Examination of Water and Wastewater, Oil and Grease, method 5520.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.

*Incompatible waste* means waste that, either singly or by interaction with other waste, interferes with any waste treatment process, constitutes a hazard to humans or animals, creates a public nuisance, or creates any hazard in the receiving waters of the water reclamation plant.

*Industrial users or industries* means a source that introduces pollutants into the sanitary sewer from a nondomestic source regulated under section 307(b)(c), or (d) of the Act.

*Industrial wastes* means wastewater discharged by industries.

*Manager* means the City of Rochester Deputy Public Works Director of Environmental Services, or their designee.

*Natural outlet* means any outlet, including storm sewers, which flow and ~~combined sewer overflows~~, into a watercourse pond, ditch, lake or other body of surface water or groundwater.

*pH* means the reciprocal of the logarithm of the hydrogen ion concentration. The concentration is the weight of hydrogen ions in grams per liter of solution as measured in procedures described in Standards Methods.

*Person* means any individual, firm, company, association, society, corporation or group.

*Properly shredded garbage* means wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.

*Public sewer* means a sewer owned and controlled by the city.

*Publicly owned treatment works (POTW)* means the publicly owned treatment works that is comprised of the sanitary sewer system, including the treatment plant and collection of infrastructure, operated by the city public works department.

*Residential/commercial users* are all nonindustrial users.

*Sanitary sewer* means a pipe or conduit that carries wastewater from residences, commercial buildings, industrial plants, and institutions to the water reclamation plant.

*Slug* means any discharge of water or wastewater in a sewer which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes whereas more than five times the average 24 hour concentration or flow is discharged.

*Standard Methods* means the latest edition of Standard Methods for the Examination of Water and Wastewater prepared and published jointly by the American Public Health Association, the American Water Works Association, and the Water Environment Federation, and, if options are available for a particular characteristic, the method as chosen by the water reclamation plant for analysis.

*Storm drain* or *storm sewer* means a drain or sewer for conveying surface water, groundwater, sub-surface water, or unpolluted water from any source.

~~Total organic carbon (TOC) means the oxidizable carbon of organic origin that is present in wastewater as measured according to procedures described in Standards Methods and is determined using a total organic carbon analyzer.~~

*Total phosphorus (TP)* means all forms of phosphorus present in wastewater as measured in procedures described in Standard Method.

*Total suspended solids (TSS)* means the nonfilterable residual matter present in wastewater as measured in procedures described in Standards Methods. If a waste has a solids concentration which cannot be filtered using Standards Methods procedures, then total solids will be measured and used in lieu of TSS using procedures described in Standards Methods.

*Unpolluted water* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewer and wastewater treatment facilities provided.

*User* means a person who discharges, or causes or permits the discharge of, wastewater into the city's wastewater disposal system.

*Wastewater* means the spent water of a community and includes a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater and surface water that may be present.

*Watercourse* means a natural or artificial channel for the passage of water either continuously or intermittently.

Section 2. Section 12-2-2 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-2. – Control by the public works director.

The public works director, or assigned designee, shall have control and general supervision of all public sewers and service connections in the city, and shall be responsible for administering the provisions of this chapter to the end that a proper and efficient public sewer system is maintained.

Section 3. Section 12-2-7 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-7. – Connections – Final Inspection.

The applicant for the building sewer permit shall notify the ~~city engineer~~ Public Works Director when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the city engineer.

Section 4. Section 12-2-12 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-12. – Improper use of name by licensees for obtaining permits, doing licensed work.

A person licensed under this chapter shall not permit ~~his~~ their name to be used by any other person, for the purpose of obtaining permits or doing any work under their ~~his~~ license for the purpose of evading the licensing requirements of this chapter.

Section 5. Section 12-2-14 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-14. – Certain discharges – General limitation.

Any substances, materials, water, or waste shall be limited in discharges to a public sanitary sewer to concentrations or quantities which will not harm either sewers, the water reclamation plant treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger persons or public property, or constitute a nuisance. The ~~wastewater utility manager~~ manager may set a limitation lower than a limitation otherwise established by this chapter if, in ~~his~~ their opinion, the more restrictive limitation is necessary to meet the foregoing objectives. In establishing such a limitation, the ~~wastewater utility manager~~ manager may give consideration to factors such as the quantity of waste in reaction to flows and velocities in the sewers, materials of construction of the sewers, and the safety of personnel at the water reclamation plant.

Section 6. Section 12-2-16 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-16. – Remedies for unlawful discharges.

- (a) If any waters or wastes are discharged or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in section 12-2-15 and which, in the judgment of the ~~wastewater utility manager,~~manager may have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
  - (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge to the public sewers;
  - (3) Require control over the quantities and rates of discharge; or
  - (4) Require payment to cover added costs of handling the wastes not covered by existing taxes or sewer charges.
- (b) If the city permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the ~~wastewater utility manager~~ manager.
- (c) No provision contained in this chapter shall be construed to prevent or prohibit a separate or special contract or agreement between the city and any user whereby waste and material of unusual strength, character or composition may be accepted by the city for treatment, subject to additional payment therefor by such user; provided, however, that such agreement shall have the prior approval of the ~~wastewater utility manager~~ manager.
- (d) No provision of this section shall be construed to limit the applicability of any other civil or criminal remedy by the city in the event of a violation by a person of section 12-2-15. For the

purpose of a criminal prosecution for a violation of section 12-2-15, each day that such unlawful discharge occurs shall be construed as a separate violation.

Section 7. Section 12-2-17 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-17. – Grease, oil, or sand interceptors.

A grease, oil, or sand interceptor shall be provided when, in the opinion of the ~~wastewater utility manager~~ manager or plumbing inspector, it is necessary for the proper handling of liquid wastes containing floatable grease, flammable wastes, sand or other harmful ingredients, except that an interceptor shall not be required for private living quarters or dwelling units. An interceptor shall be of a type and capacity approved by the ~~wastewater utility manager~~ manager or plumbing inspector, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of an interceptor, the owner shall be responsible for the proper removal and disposal by appropriate means of any captured material and shall maintain records which are subject to review by the ~~wastewater utility manager~~ manager of the dates, and means of disposal. Any removal and hauling of collected material not performed by the owner must be performed by currently certified waste disposal firms.

Section 8. Section 12-2-18 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-18. – Pretreatment; flow-equalization facilities.

Where a pretreatment or flow-equalizing facility is provided or required for any waters or wastes, it shall be continuously maintained in satisfactory and effective operation by the owner at his their expense.

Section 9. Section 12-2-19 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-19. – Industrial waste; metering and sampling.

If required by the ~~wastewater utility manager~~ manager, the owner of any property serviced by a building sewer carrying industrial wastes shall install such necessary meters and other equipment in the building sewer to facilitate observation, sampling, and measurement of the waste discharged. Such equipment, when required, shall be accessible and safely located and shall be installed in accordance with plans approved by the ~~wastewater utility manager~~ manager. The equipment shall be installed by the owner at his their expense and shall be maintained and accessible at all times. When required by the ~~wastewater utility manager~~ manager, composite sampling equipment shall be capable of collecting a flow weighted sample via means of electronic communication between flow meter and sampler. All samples shall be properly refrigerated to four degrees Celsius. All flow meters shall be calibrated annually, at a minimum, by a third-party vendor.

Section 10. Section 12-2-20 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-20. – Measurements, tests and analyses standards.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with Standard Methods. Sampling methods, location, times, durations, and frequencies shall be determined on an individual basis subject to approval by the ~~wastewater utility manager~~ manager. In this regard, reference is made to 40 CFR 136, Guidelines Establishing Test Procedures for the Analysis of Pollutants.

Section 11. Section 12-2-22 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-22. – Forbidden substances.

No person having charge of any building or other premises which drains into a public sewer shall permit any substance or matter which may form a deposit or obstruction to flow or pass into the public sewer. Within ten days after notice in writing from the ~~wastewater utility manager~~ manager, a person shall install a suitable and sufficient catch basin or waste trap, or if one already exists, clean out, repair or alter the same, and perform such other work as the ~~wastewater utility manager~~ manager may deem necessary to prevent any substance or matter passing into the public sewer which may cause a deposit or obstruction therein. In addition to any penalties that may be imposed for violating this section, if a person refuses or neglects to install a catch basin or waste trap or to clean out, repair, or alter the same, if one exists, for a period of five days, the ~~wastewater utility manager~~ manager may cause such work to be done as deemed necessary and recover the expense thereof, including interest, from such owner by means of an action brought in the name of the city.

Section 12. Paragraph (b) of Section 12-2-13 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-13. – Public sewer; discharge of unpolluted water.

- (b) Stormwater and all other unpolluted drainage shall be discharged only to such public sewers as are specifically designated as storm sewers or to a natural watercourse approved by the city engineer and other regulatory agencies. Unpolluted industrial cooling water or process waters may be discharged, on approval of the ~~wastewater utility manager~~ manager, to a storm sewer or natural watercourse. A discharge to a storm sewer or natural outlet may in addition require a National Pollutant Discharge Elimination System (NPDES) permit, ~~issued by the United States Environmental Protection Agency.~~

Section 13. Paragraphs (2) and (15) of Section 12-2-15 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-15. – Certain discharges - Specific prohibitions.

- (2) Solid or viscous substances which will or may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, including, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, personal hygiene products, disposable wipes or cleaning paper products that do not readily dissolve within two minutes, spent grains, spent hops, waste paper, wood, plastic, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes. Exceptions for some wastes, pursuant to subsection (16) of this section, are allowed.
- (15) Any trucked or liquid-hauled waste except as designated by the ~~wastewater utility~~ manager.

Section 14. Paragraph (b) of Section 12-2-26 of the Rochester Code of Ordinances is amended to read as follows:

Sec. 12-2-26. – Inspectors; duties and authority.

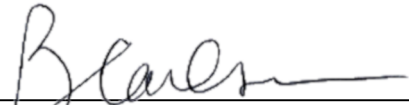
- (b) The ~~wastewater utility manager~~ manager or other duly authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind or source of discharge to the wastewater collection system. An industry may withhold proprietary information in accordance with 40 CFR 403.14.

Section 15. This ordinance shall become effective from and after its publication.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS 6th December

ATTEST:

  
CITY CLERK

  
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS



  
MAYOR OF SAID CITY